

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

ALBERT S. WOLOGO, Plaintiff, v. TRANSAMERICA LIFE INSURANCE COMPANY and AEGON USA INVESTMENT MANAGEMENT, Defendants.	CASE NO.: <u>9:17-cv-00157-DCN</u> DEFENDANTS' ANSWERS TO LOCAL RULE 26.01 INTERROGATORIES
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Defendants Transamerica Life Insurance Company and AEGON USA Investment Management, LLC, by and through their undersigned counsel, hereby answer the Local Rule 26.01 Interrogatories, based on the information known to it to date, as follows:

(A) State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

RESPONSE: None known to Defendants at this time.

(B) As to each claim, state whether it should be tried jury or non-jury and why.

RESPONSE: Although Plaintiff has styled his claims as “conversion,” “fraud,” and “South Carolina Unfair Trade Practices,” all of the claims depend upon the terms of a stock purchase plan and Plaintiff’s other written agreements with Transamerica Life Insurance Company. The meaning of the terms of a stock purchase plan and other written agreements is an issue of law for the Court, not for a jury. This case—including Defendants’ counterclaim—lends itself to resolution on summary judgment, not trial.

(C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary,

partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

RESPONSE: Neither Transamerica Life Insurance Company nor AEGON USA Investment Management, LLC is publicly traded.

(1) Transamerica Life Insurance Company and AEGON USA Investment Management are indirect subsidiaries of AEGON N.V., which is a publicly traded holding company with its headquarters in The Hague, the Netherlands. The principal market for common shares of AEGON N.V. is Euronext Amsterdam. American Depositary Receipts (ADRs) of AEGON N.V. are also listed on the New York Stock Exchange under the ticker symbol AEG.

(2) No publicly owned company owns ten percent or more of the outstanding shares or other indicia of ownership of Transamerica Life Insurance Company or AEGON USA Investment Management, LLC.

(3) Neither Transamerica Life Insurance Company nor AEGON USA Investment Management, LLC owns ten percent or more of the outstanding shares of any publicly owned company.

(D) State the basis for asserting the claim in the division in which it was filed (or the basis or any challenge to the appropriateness of the division).

RESPONSE: This suit was commenced in the Court of Common Pleas for Beaufort County and was removed to this Court by Defendants. Venue is appropriate in this Division, because 28 U.S.C. § 1446(a) requires removal must be to “the district court of the United States for the district and division” within which the state court action was filed.

(E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which may be related such that they should be assigned to a single judge which will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same identical transaction, happenings or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

RESPONSE: None known to Defendants at this time.

(F) If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

RESPONSE: Defendant AEGON USA Investment Management is actually AEGON USA Investment Management LLC. Defendants think that the omission of the “LLC” in the caption is of no consequence with respect to the issue of service.

(G) If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

RESPONSE: Defendants’ investigation into the matter is continuing. Defendants therefore reserve the right to amend this answer upon completion of this investigation.

Dated: January __, 2017

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s/ Mary B. Ramsay

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